

MADRAS RECORD OFFICE.

Government of Madras.

Journal DEPARTMENT.

G.O. No. 484	Press Mis. =
41-43	
Dated 8-4-1957	

Not to be folded or roughly handled

Port St. George, Judicial Consultation, 12th April 1859

Read again letter from the Commissioner of Police, dated 15th Ultimo, No. 55.

No. 41. From the Honorable Sir A. BATHURST, Kt., Puisne Justice of Her Majesty's Supreme Court, Madras, to the Right Honorable the Governor in Council, &c., &c., &c., Port Saint George, dated 25th March 1859.

My Lords,

I have the honor to acknowledge the receipt of your Lordship's letter of the 25th Instant, enclosing the petition of G. Benson, and T. Britton, praying for mitigation of their sentence.

They pleaded guilty before me to an indictment which charged them, jointly with Michael Provenzano, with the offence of stealing a boat and its tackle, 3 water bags and a barrel of biscuit and the contents thereof — The 3 prisoners, being seamen on board the ship Concordia, constructed during the night of the 25th September, to run away from the ship with the Jolly boat, and its contents.

The Jolly boat being discovered in the morning, they were pursued by the 2nd Officer on the ship and overtaken the following evening at a distance of about 55 miles from the ship, at the same time a deck belonging to another seaman named George on board the Concordia and containing 2 waterbags and other things was taken away. The deck had been taken out of the boat about the week of which had been forced, and when the prisoners were overtaken the deck and its contents were found in the boat. These articles formed the subject of a separate indictment to which Provenzano pleaded guilty and Benson and Britton, not guilty. Upon these trials they were acquitted of that offence, and I was not dissatisfied with the verdict because it appeared that Provenzano had procured himself of the principal contents of the deck, and though the other prisoners must have been discovered that the deck had been taken, I thought it quite possible that Provenzano who was certainly the ringleader throughout might be the first to have obtained possession of it and put it into the Jolly boat without the knowledge or consent of the two others. They had therefore the benefit of that doubt as to the charge of stealing the deck and its contents; and I made a great distinction between them and Provenzano, in the sentence which I passed.

Now I thought that the nature of the offence rendered some severity of punishment quite necessary, and that though their youth was to be considered, it was important to counteract the evil example which they had set, and which was not to be despised.

At the same time it is a case in which I should be disposed to recommend some mitigation of the sentence if the subsequent conduct of the individuals have been good, and a favorable opinion of their general character has been formed by those in whose charge they have been.

No. 42. Minute by the Hon. Sir the President, dated 2nd April 1859.

I think they may be released after they have completed half their sentence.

(Signed) C. E. TRILLIAN.

No. 43

* George Benson.
Thomas Britton.

Order resolution, No. 44, dated 5th April 1859.

The Honorable the Governor in Council is pleased to direct the release of the above Prisoners* on the expiration of half their sentence.

(Signed) T. PIERCE,

Chief Secretary.

ACT No. XVIII. OF 1855.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 6th June 1855.)

An Act to remove doubts relating to the power to grant Pardons and Reprieves and Remissions of Punishments in India.

WHEREAS doubts have arisen as to the power of the several Executive Governments in India to remit punishments awarded by Her Majesty's Supreme Courts of Judicature, and it is desirable that all doubts respecting the power to pardon or reprieve or grant remissions of punishment should be removed, It is declared and enacted as follows:— (The sanction of Her Majesty to the passing of this Act having been previously obtained and signified in pursuance of an Act passed in the 17th year of the reign of Her said Majesty, entitled "An Act to provide for the Government of India.")

1. The persons or persons for the time being authorized to administer the Supreme Executive Government in any Presidency or place within the Territories in the possession and under the Government of the East India Company have power to grant pardons and reprieves in respect of any crime or offence committed within such Presidency or place, or to remit the whole or any part of the punishment awarded in respect of any such crime or offence, whether the same be awarded by any of Her Majesty's Supreme Courts of Judicature or by any other Court or Officer exercising jurisdiction within the said Territories.

27/12/1855

General Department

Page

From
 The Honble. Secy. of the Treasury
 Circular, Feb. 10, 1878.

Chas. J. Hensley

• *Andersson...*

I think they may be released
if they have completed half
their sentence - Birmingham & the

۴۰

A handwritten signature in dark ink, appearing to read "W. H. L." or similar, located at the bottom right of the page.

04

1793

Entered for filing

1875

General. my dept.

Received by the Secy. of the President

1875

1875

1875

Since that the Secy. of the President, Mr. W. B. Ewing, and Mr. W. B. Ewing, at present undergoing imprisonment in the Penitentiary may be released before they have completed half their sentence.

1875

Judicial Department.

Extract from the Minutes of Consultation.

Dated 1st April 1879.

Read again letter from the Chief Commissioner of Prisons dated 18th ult. 1878.

L. Dy. to Com. 28th ult.

Submitting a letter from the Hon. & James Wilson, Secretary of the Penitentiary, asking for the remission of the unexpired portion of the sentence of the above named prisoners.

1879.

Read also letter to the Hon. & James Wilson, Secretary of the Penitentiary, asking for the remission of the unexpired portion of the sentence of the above named prisoners.

1879.

Read also letter to the Hon. & James Wilson, Secretary of the Penitentiary, asking for the remission of the unexpired portion of the sentence of the above named prisoners. Dated 2nd April 1879.

George E. Brown
Thomas B. Brown

The Hon. & James Wilson, Secretary of the Penitentiary, is pleased to direct the release of the above named prisoners on the expiration of half their sentence.

1879

The Commissioner of Prisons

Handwritten text at the top left, possibly a header or title.

Handwritten text in the upper left section, appearing to be a list or series of entries.

Vertical handwritten text on the right side of the upper section.

Large handwritten text block in the center, possibly a signature or a detailed note.

Handwritten text at the bottom left, possibly a footer or concluding remarks.